

## CHILDREN OF TOUSANT LAVARNWAY.

[To accompany Bill H. R. No. 379.]

MARCH 19, 1860.

Mr. POTTER, from the Committee on Revolutionary Pensions, made the following

### REPORT.

*The Committee on Revolutionary Pensions, to whom was referred the petition of the surviving children of Tousant Lavarney for arrears due their father for services in the revolutionary war, ask leave to report :*

That it appears from the testimony of two credible witnesses, Alexander Finnall and Lewis Dragoon, in addition to the verified statement of the soldier, that the said Tousant Lavarney volunteered as a private in a company commanded by his father, Captain Francis Lavarney, in Colonel James Livingston's regiment of Canadian refugees, in the continental service, about the 1st day of November, 1775, and served in said company about two weeks, when the company was dispersed, most of the men being taken prisoners with Colonel Ethan Allen in an engagement at Montreal, but that the said Tousant made his escape. So, soon after this, he was appointed a teamster, or wagoner, in the service of the army, and continued in said service until the retreat of the American army from Canada. He then returned to his father's farm, in Canada, for the purpose of securing the crops and other property there, and looking after his father's affairs while he remained in captivity.

The approach of the British having compelled him to relinquish the hope of saving the property, he was obliged to flee for his life. The property was afterwards wasted and confiscated on account of the adherence of the father and son to the American cause. He took refuge in New York, where he continued to live up to the time of his decease, which occurred on the 15th March, 1845.

He made application for a pension under the act of June 7, 1832, but his claim was denied on the ground that "he did not serve as a soldier, but was a wagoner."—(See suspended pension cases, page 128.) At this time the department held team service not within the act of June 7, 1832, but subsequently reversed their decision, and permitted parties to come in under that act and prove up their service rendered in that line of duty. In the meantime the applicant died.

His children subsequently made application to the Pension office for the arrears of pension due their father, but from some cause no notice was taken of the application. On the 7th July, 1850, the surviving children made declaration in open court, conforming substantially to the practice and usage of the Pension office; in relation to which declaration the court expressed their satisfaction, and granted certificate that the said Tousant did serve as alleged. But he died on the 15th March, 1845, and left no widow, and that the children named are the only surviving children of the said Tousant Lavarney. This application was also denied by the Commissioner of Pensions on grounds which seem to the committee insufficient.

After examining all the evidence and other papers in the case, your committee are satisfied that there is sufficient to authorize them to report a bill for eight and a half months' service as a private and a wagoner, or teamster. They therefore ask leave to report the accompanying bill.